

<b>STATE OF MICHIGAN</b> <b>THIRD JUDICIAL CIRCUIT</b> <b>WAYNE COUNTY</b>	<b>SUMMONS AND COMPLAINT</b>	<b>CASE NO</b> <b>17-016690-NI</b> <b>Hon. Martha M. Snow</b>
2 Woodward Ave., Detroit MI 48226		Court Telephone No. 313-224-6889
<b>Plaintiff</b>  Tesolin, James	v	<b>Defendant</b>  Rasier, LLC d/b/a Uber
<b>Plaintiff's Attorney</b>  Brad B. Harris 54171 30400 Telegraph Rd Ste 470 Bingham Farms, MI 48025-5818		<b>Defendant's Attorney</b>

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 11/22/2017	This summons expires 2/21/2018	Court clerk File & Serve Tyler
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court

**COMPLAINT Instruction:** The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

**Family Division Cases**

☐ There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**

☐ There is no other pending or resolved civil action arise out of the same transaction or occurrence as alleged in the complaint.

☐ An civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

Date 12/14/17

Signature of attorney/plaintiff [Signature]

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C) (2)(a),(b), MCR 3.206(A)



**EXHIBIT A - 000001**

JF

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JAMES TESOLIN,

Plaintiffs

Case No. 17-

NI

v.

Hon.

RASIER, LLC d/b/a UBER,  
UBER TECHNOLOGIES, INC.  
and JAMES PERRY,  
jointly and severally,

17-016690-NI

FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
11/22/2017 8:05:43 AM  
CATHY M. GARRETT

Defendants.

BRADLEY B. HARRIS (P54171)  
GOREN, GOREN & HARRIS, P.C.  
Attorney for Plaintiff James Tesolin  
30400 Telegraph Road, Suite 470  
Bingham Farms, MI 48025-5818  
(248) 540-3100  
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bharris@gorenlaw.com

There is no other pending or resolved civil  
action arising out of the transaction or  
occurrence alleged in the complaint.

  
Bradley B. Harris (P54171)

**COMPLAINT AND JURY DEMAND**

Plaintiff James Tesolin, by his attorneys Goren, Goren & Harris, P.C., complains against Defendants Rasier, LLC d/b/a Uber ("Uber"), Uber Technologies, Inc. ("Uber Technologies") and James Perry as follows:

1. The amount in controversy exceeds \$25,000.00.
2. Defendant Uber is a foreign limited liability company that is authorized to transact business in the State of Michigan and whose registered office is located in Plymouth, Wayne County, Michigan.
3. Defendant Uber Technologies is a foreign corporation that is authorized to transact business in the State of Michigan and whose registered office is located in

**EXHIBIT A - 000002**

Plymouth, Wayne County, Michigan.

4. Defendant James Perry is a resident of Grosse Pointe Farms, Wayne County, Michigan.

5. On or about June 14, 2015, Plaintiff James Tesolin was driving a motor vehicle north on I-75 in the vicinity of Lapeer Road in Auburn Hills, Michigan.

6. On or about June 14, 2015, Defendant Perry was driving a 2006 Lincoln bearing Michigan license plate number be BHE4685 north on I-75 in the vicinity of Lapeer Road in Auburn Hills, Michigan.

7. Then and there, Defendant Perry was an employee of Defendant Uber and/or Defendant Uber Technologies acting within the scope of his employment.

8. In the alternative, then and there, Defendant Perry was an agent of Defendant Uber and/or Defendant Uber Technologies acting within the scope of his agency.

9. Then and there, Defendant Perry's motor vehicle overtook and struck the rear end of the motor vehicle that Plaintiff James Tesolin was driving, causing his motor vehicle to strike a guard rail and collide into the motor vehicle in front of it.

10. Defendant Perry had the duty to exercise the care a reasonably careful person would use.

11. Defendant Perry breached his duty and was negligent in numerous respects including, without limitation, in:

a. Overtaking and striking the rear end of another vehicle proceeding in the same direction or lawfully standing upon the highway, contrary to MCL 257.402 and otherwise;

b. Driving a vehicle on the highway in a careless or negligent manner likely to endanger any person or property, contrary to MCL 257.626b and otherwise;

c. Failing to drive his vehicle at a careful and prudent speed not greater than was reasonable and proper, having due regard to the traffic, surface, and width of the highway and of other conditions then existing, contrary to MCL 257.627(1) and otherwise;

d. Driving his vehicle at a speed greater than that which would permit a stop within the assured, clear distance ahead, contrary to MCL 257.627(1) and otherwise;

e. Following the motor vehicle that Plaintiff James Tesolin was driving more closely than was reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and the condition of, the highway, contrary to MCL 257.643 (1) and otherwise;

f. Driving his vehicle when it was in such unsafe condition as to endanger a person, contrary to MCL 257.683(1) and otherwise;

g. Driving his vehicle when it was not equipped with brakes adequate to control the movement of and stop and hold the vehicle, contrary to MCL 257.705 and otherwise;

h. Attempting to plug his cell phone in while driving or otherwise attend to his cell phone while driving;

i. Failing to maintain a proper lookout;

j. Failing to keep his vehicle under control; and/or

k. Otherwise failing to exercise reasonable care and caution.

12. As a proximate result of the negligence of Defendant Perry, Plaintiff James

Tesolin suffered multiple injuries including, without limitation, injuries to his neck, right shoulder and back. Some of his injuries are believed to be permanent.

13. As a proximate result of the negligence of Defendant Perry, Plaintiff James Tesolin suffered serious impairment of body function.

14. As a proximate result of the negligence of Defendant Perry, Plaintiff James Tesolin suffered permanent serious disfigurement.

15. As a proximate result of the negligence of Defendant Perry, Plaintiff James Tesolin sustained the following damages, past and/or future:

- a. Physical pain and suffering;
- b. Mental anguish;
- c. Fright and shock;
- d. Denial of social pleasure and enjoyments;
- e. Embarrassment, humiliation and mortification;
- f. Disability;
- g. Disfigurement; and/or
- h. Work loss and other economic loss recoverable under MCL

500.3135(3)(c) and(d).

WHEREFORE, Plaintiff James Tesolin requests a judgment against Defendants Rasier, LLC d/b/a Uber, Uber Technologies, Inc. and James Perry, jointly and severally, in the amount to which he is found to be entitled together with costs, interest and attorney's fees.

**PLAINTIFF DEMANDS TRIAL BY JURY.**

Respectfully submitted,

GOREN, GOREN & HARRIS, P.C.

By: 

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Dated: November 21, 2017